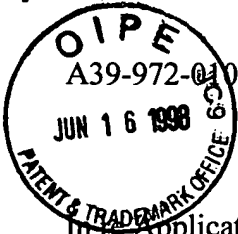


DAC/\$



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10

In re Application of:

Shelton, R.H.

Serial No. 09/025,279

Filed: February 18, 1998

For: STANDING ORDER DATABASE )  
SEARCH SYSTEM AND METHOD )  
FOR INTERNET APPLICATION )

Group Art Unit: 2761

Examiner:

RECEIVED  
JUN 19 1998  
OFFICE OF PETITIONS  
A/C PATENTS

PETITION UNDER 37 CFR 1.182

The Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

The Commissioner is respectfully requested to issue a corrected Filing Receipt on the subject application showing the filing date to be February 17, 1998 and the date of filing of the parent provisional application to be February 17, 1997, not 1996.

FACTUAL BACKGROUND

Accompanying this Petition is a Declaration by undersigned attorney for applicant pointing out the fact that he personally deposited the subject application in an Express Mail box maintained by the U.S. Postal Service on February 17, 1998 prior to the time of the scheduled pickup of Express Mail from that box.

The Declaration further shows that as promptly as the Customer Copy of the Express

Mail filing was received showing the incorrect date, inquiry was made to the U.S. Postal Service.

Attached to such Declaration is the response to the inquiry received from the Postal Service dated March 19, 1998 showing that in fact the application was deposited on February 17, 1998, but not scanned into their system until 1:56 a.m., February 18, 1998 when it reached the Airport Mail Center due to Postal Service time constraints.

Thus, the application was filed on February 17, 1998 and it was the Postal Service that delayed in putting it into its system.

The Filing Receipt also incorrectly gives the year of filing of the parent provisional application as 1996 and not 1997. This is an erroneous carry-over from the Filing Receipt in the provisional application. This was an obvious typographical error which is obvious from the record.

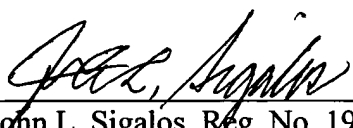
This correct filing date is important since it is noted that the prior provisional application on which the instant application is based and to which priority is requested was filed on February 17, 1997 and such priority will be lost if the filing date is not corrected.

The Commissioner, in the interest of justice, is requested to make the correction requested and not to allow delay committed by the U.S. Postal Service to prejudice any rights of applicant to continuity.

The fee of \$130.00 is submitted herewith for this Petition.

June 10, 1998.

Respectfully submitted,

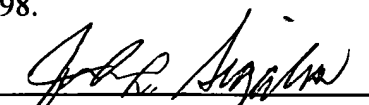
  
\_\_\_\_\_  
John L. Sigalos, Reg. No. 19,043  
Carillon Towers  
13601 Preston Road, Suite 402W  
Dallas, Texas 75240  
Telephone: (972) 770-0024  
Facsimile: (972) 770-0028

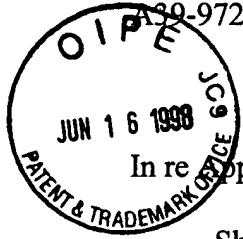


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231 on June 10, 1998.

Date: June 10, 1998

  
\_\_\_\_\_  
John L. Sigalos



100-972-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shelton, R.H.

Serial No. 09/025,279

Filed: February 18, 1998

For: STANDING ORDER DATABASE )  
SEARCH SYSTEM AND METHOD )  
FOR INTERNET APPLICATION )

Group Art Unit: 2761

Examiner:

DECLARATION OF JOHN L. SIGALOS

I, John L. Sigalos, declare as follows:

1. I am the attorney who prepared and filed the subject application. Attached hereto as "Exhibit A" is a true copy of the transmittal letter showing on the second page that it was deposited by me with the postal service by Express Mail on February 17, 1998.

2. I personally deposited the application in a postal box expressly maintained solely for Express Mail prior to the time that mail was due to be picked up on February 17, 1998.

3. This was one of the first times I used this postal box which is at the building where my new offices are located and to which I moved on February 1, 1998.

4. As promptly as I received the Customer Copy of the Express Mail filing from the Postal Service, a true copy of which is attached hereto as "Exhibit B" and noted the error in the filing date, I promptly contacted the Postal Service for a written explanation for their failure to note the date of February 17, 1998 as the date on which I deposited the application in their postal box.

5. Attached hereto as "Exhibit C", is a true copy of the letter dated March 19, 1998 received from the U.S. Postal Service acknowledging the application was deposited in their Express Mail collection box on February 17, 1998. They point out that even though a mailpiece is timely placed in one of their Express Mail collection boxes it "may not be" scanned into their system at the local post office and not be "scanned in" until it reaches the Airport mail Center in Dallas. They acknowledge that this is what transpired with the instant Express Mail filing.

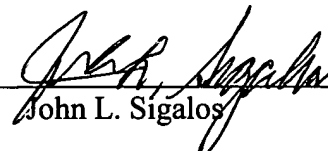
6. Attached hereto as "Exhibit D" is a true copy of the Filing Receipt received in my office on June 8, 1998, showing that, in fact, a filing date of February 18, 1998 has been given to the instant application.

7. It is pointed out that the instant application is the complete application which claims the benefit of the Provisional Application Ser. No. 60/037,869 filed February 17, 1997.

8. It is submitted that applicant should not be prejudiced by the "time constraints of meeting collection schedules" of the Postal Service. The Postal Service acknowledges the application was put in their Express Mail collection box on February 17, 1998 and applicant should be given that date as the filing date of the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: June 10, 1998

  
\_\_\_\_\_  
John L. Sigalos

**JOHN L. SIGALOS**  
**Attorney and Counselor at Law**

Tel: (972) 770-0024  
Fax: (972) 770-0028

Patent, Trademark, Copyright  
& Unfair Competition Causes



Carillon Towers  
13601 Preston Road, Suite 402W  
Dallas, Texas 75240

February 17, 1998

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

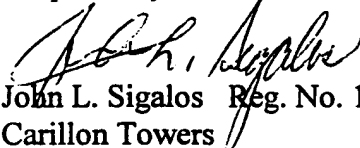
Re: Filing of the Attached Application Under the  
Provisions of 37 CFR 1.53 and 1.10  
Applicants(s): Robert H. Shelton  
Title of Invention: STANDING ORDER DATABASE SEARCH  
SYSTEM AND METHOD FOR INTERNET AND  
INTRANET APPLICATION  
Attorney's File No: A39-972-010

Sir:

Transmitted herewith for assignment of a serial number and filing date are the specification and claims of the subject application, together with an unsigned declaration setting forth in full the inventor's name, residence, and post office address as required by 37 CFR §1.41, together with a copy of the previously signed small entity form, and informal drawings.

Verified statement(s) to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was submitted in the parent Provisional application, which is referenced in the Application and Declaration submitted herewith and whose benefit is claimed under 35 U.S.C. 119(e) as provided in 37 CFR §1.28(a). A true copy of such Verified Statement is submitted herewith.

Respectfully submitted,

  
John L. Sigalos Reg. No. 19,043  
Carillon Towers  
13601 Preston Road, Suite 402W  
Dallas, Texas 75240  
Telephone: (972) 770-0024  
Facsimile: (972) 770-0028

February 17, 1998

*Exhibit A*

Commissioner of Patents and Trademarks

February 17, 1998

Page 2

"Express Mail" Label No. EI 229088857US

Date of Deposit 02/17/98

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Address" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

John L. Sigalos

(Typed name of Person Mailing Paper or Fee)

  
(Signature of Person Mailing Paper or Fee)

EI229088857US



# POST OFFICE TO ADDRESSEE E729088857US

UNITED STATES POSTAL SERVICE

<b>ORIGIN (POSTAL USE ONLY)</b>		
PO ZIP Code 09229	Day of Delivery Next	First Date of Delivery 10/10/95
Date in Calendar 10/10/95	Time of Delivery 12 Noon	Postage \$15.00
Time in AM	Return Receipt No	Weight 11.5 lbs
Weight 11.5 lbs	Int'l Alpha Country Code 001	Total Postage & Fees \$15.00
No Delivery No	Acceptance Clerk Initials [Signature]	

SEE REVERSE SIDE FOR

SERVICE GUARANTEE AND

INSURANCE COVERAGE LIMITS

<b>CUSTOMER USE ONLY</b>	
METHOD OF PAYMENT: Express Mail Corporate Acct. No. Federal Agency Acct. No. Postal Service Acct. No.	
FROM (PLEASE PRINT) John L. Sigalas Carillon Towers 13601 Preston Road, Suite 402W Dallas, Texas 75240 A39-972-010	
TO (PLEASE PRINT) Commissioner of Patents and Trademarks Washington, D.C. 20231	

FOR PICKUP OR TRACKING CALL 1-800-222-1811



Label 11-B October 1995

Exhibit B



March 19, 1998

Mr. John Sigalos  
13601 Preston Rd., Ste. 402W  
Dallas, TX 75240-4905

Dear Mr. Sigalos:

This letter is in regard to Express Mail article #EI229088857US that you deposited in the Express Mail collection box on February 17, 1998.

Our investigation revealed that although your Express Mail article was deposited on the 17<sup>th</sup>, it was not scanned into our system until February 18, 1998, when it was processed at the Airport Mail Center in Dallas. When a mailpiece is placed in a collection box, due to time constraints of meeting collection schedules, the Express Mail may not be scanned in at your local Post Office. Therefore, we recommend that for all future Express mailings, especially those that are time-sensitive, you present the mailpiece to a window clerk at the post office. The mailpiece will be scanned in and you will receive a receipt verifying the actual time of mailing and scheduled delivery.

Thank you for using Express Mail. The United States Postal Service values your business and would like to keep you as our satisfied customer. If we may be of further assistance, please contact the Consumer Affairs and Claims Office at (972) 393-6700 and refer to the reference number below.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johnny J. Bennett".

for Johnny J. Bennett  
Manager, Marketing  
951 W. Bethel Rd.  
Coppell, TX 75099-9996

JJB:M:rw

Reference: Z00026873

*Exhibit C*

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/025,279	02/18/98	2761	\$0.00	A39-972-010	2	81	2

JOHN L SIGALOS  
13601 PRESTON ROAD  
SUITE 402W  
DALLAS TX 75240

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

ROBERT H. SHELTON, IRVINE, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
PROVISIONAL APPLICATION NO. 60/037,869 02/17/96

FOREIGN FILING LICENSE GRANTED 06/04/98

TITLE

STANDING ORDER DATABASE SEARCH SYSTEM AND METHOD FOR INTERNET AND  
INTERNET APPLICATION

PRELIMINARY CLASS: 705

*Exhibit D*